

STATE OF NEW MEXICO  
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

IN THE MATTER OF PROPOSED REVISIONS  
TO THE STATE IMPLEMENTATION PLAN  
FOR REGIONAL HAZE

No. EIB 11-01 (R)



NEW MEXICO ENVIRONMENT DEPARTMENT  
NOTICE OF INTENT TO PRESENT TECHNICAL TESTIMONY

Pursuant to 20.1.1.302.A NMAC, the New Mexico Environment Department (NMED) Environmental Protection Division (“the Division”) hereby submits its Notice of Intent to present technical testimony in this proceeding.

1. The person for whom the witnesses will testify.

The New Mexico Environment Department, Environmental Protection Division.

2. The name and qualifications of each technical witness.

Ms. Mary Uhl. Mary Uhl is the Bureau Chief of the Department’s Air Quality Bureau. Since Joining the Bureau in 1992, she has served as the manager of the modeling and planning/policy sections, and as an air dispersion modeling expert, during which she completed more than eight hundred (800) modeling analyses, developed the states modeling guidelines, managed the Corrales air toxics study, and testified in numerous court cases and public hearings. Ms. Uhl has served as co-chair of the WESTAR Technical Committee and the Western Regional Air Partnership’s Modeling Forum, and currently serves as co-chair of the Western Regional Air Partnership and the Western Regional Air Partnership’s Oil and Gas Workgroup and as Co-Vice President and Board member of the National Association of Clean Air Agencies. Ms. Uhl has published several technical articles regarding air chemistry and dispersion modeling. She earned

her B.S. degree in Math and Chemistry and M.S. degree in Atmospheric Sciences at Purdue University.

Ms. Rita Bates. Rita Bates is Section Chief of the Planning Section of the Air Quality Bureau. She has over 20 years experience in the environmental field, including 12 years with the Air Quality Bureau. In addition to her work in the Planning Section of the Air Quality Bureau, Ms. Bates has worked in industry as an environmental coordinator and in environmental consulting as a project manager. Ms. Bates holds a B.S. in Biology from Humboldt State University.

**3. Summary and Estimated Duration of Testimony**

Full narrative testimony of Ms. Uhl is attached as Exhibits 8a and 8c, and full narrative testimony of Ms. Bates is attached as Exhibits 9a and 9c. In accordance with the Hearing Officer's Procedural Order of March 31, 2011, the witnesses intend to provide brief summaries of their testimony as follows:

June 1, 2011 (Santa Fe):

Mary Uhl Summary of Testimony at NMED Ex. 8a – 15 minutes

Rita Bates Summary of Testimony at NMED Ex. 9a – 15 minutes

Rita Bates Summary of Testimony at NMED Ex. 9b – 15 minutes

June 2, 2011 (Farmington):

Mary Uhl Summary of Testimony at NMED Ex. 8c – 15 minutes

**4. Text of Recommended Modifications to the Proposed Regulatory Change**

The Division recommends adoption of the proposed regulatory changes as included in the Petition of February 28, 2011 and as modified by the Notice of Revisions to Proposed State

Implementation Plan of April 1, 2011, and by Exhibits 10 and 11 attached to this Notice of Intent.

**5. List and Description of Exhibits**

The Division submits the following exhibits:

<u>Exhibit Number</u>	<u>Title of Exhibit</u>
NMED Ex. 1	Clean Air Act § 169A
NMED Ex. 2	Clean Air Act § 169B
NMED Ex. 3	40 C.F.R. § 51.308 (Regional Haze Rule § 308)
NMED Ex. 4	40 C.F.R. § 51.309 (Regional Haze Rule § 309)
NMED Ex. 5	BART Guidelines – Appendix Y to 40 C.F.R. Part 51 Published at 70 Fed. Reg. 39104
NMED Ex. 6	<u>NMED Requests for Information from PNM</u>
NMED Ex. 6a	Email - BART Modeling Results from WRAP (11.9.06)
NMED Ex. 6b	Email – PNM San Juan Generating BART Modeling (6-26-07)
NMED Ex. 6c	Email - Comments on the BART modeling report for the San Juan Generating Station (7.30.07)
NMED Ex. 6d	Email - SJGS BART Analysis Additional Information Request (9.21.07)
NMED Ex. 6e	Letter - Department Request (12.21.07)
NMED Ex. 6f	Letter PNM-BART-Request (4-25-08)
NMED Ex. 6g	Email - PNM NOx Information Review (3.20.08)
NMED Ex. 6h	Email - Meeting (6.18.08)
NMED Ex. 6i	Letter – Additional Information Request (12.29.08)
NMED Ex. 7	<u>PNM Submittals Related to BART</u>
NMED Ex. 7a	San Juan BART Modeling Protocol (4.13.07) (Attachments on CD only)
NMED Ex. 7b	PNM BART Analysis (6.6.07)
NMED Ex. 7c	Email Thread with Cost Analysis Attached
NMED Ex. 7d	SCR Cost Analysis - (7.11.07)
NMED Ex. 7e	SNCR Hybrid Cost Analysis (7.11.07)
NMED Ex. 7f	Updated Visibility Cost Effectiveness Data - (8.23.07)
NMED Ex. 7g	PNM Response to NMED (9.14.07) - September 14, 2007
NMED Ex. 7h	PNM SCR Schematic

<u>Exhibit Number</u>	<u>Title of Exhibit</u>
NMED Ex. 7i	Refined Visibility Results (11.5.07)
NMED Ex. 7j	PNM Discussion of OAQPS Cost Manual Method (3.29.08) (Attachments on CD only)
NMED Ex. 7k	Final BART Modeling Response (3.31.08)
NMED Ex. 7L	Final BART SNCR Analysis (5.30.08) (Attachments on CD only)
NMED Ex. 7m	Discussion of SJGS Coal and Classification
NMED Ex. 7n	Final Nalco-MOBOTEC NOx BART Analysis (8.28.08) (Attachments on CD only)
NMED Ex. 7o	Final PM BART Analysis (8.28.08) (Attachments on CD only)
NMED Ex. 7p	PNM SO3 Removal Report (3.16.09) (Attachments on CD only)
NMED Ex. 7q	SNCR Cover Ltr (2.9.11)
NMED Ex. 7r	PNM BART SNCR Analysis Update (2.9.11) (Entire Exhibit on CD only)
NMED Ex. 7s	SNCR Cover Ltr (2.11.11)
NMED Ex. 7t	Revised SNCR Analysis (2.11.11)
NMED Ex. 7u	Rate Impact Analysis (2.11.11)
NMED Ex. 8	<u>Testimony of Mary Uhl</u>
NMED Ex. 8a	Testimony on Scientific and Regulatory Background of Regional Haze
NMED Ex. 8b	Regional Haze Powerpoint Slides
NMED Ex. 8c	Testimony Re BART Determination for PNM SJGS
NMED Ex. 9	<u>Testimony of Rita Bates</u>
NMED Ex. 9a	Testimony Re Revisions to 2003 § 309 SIP
NMED Ex. 9b	Testimony Re Proposed §309(g) SIP
NMED Ex. 10	Additional Proposed Revisions to § 309 SIP (5.2.11)
NMED Ex. 11	Additional Proposed Revisions to § 309(g) SIP (5.2.11)
NMED Ex. 12	Public Notices

## **6. Case Record File.**

The case record file in this proceeding is part of the administrative record and includes but is not limited to:

- Petition for Regulatory Change, Filed February 28, 2011, with:

*Statement of Reasons*

*Proposed Revisions to SIP under 40 CFR § 51.309*

*Proposed SIP under 40 CFR § 51.309(g)*

*Proposed Revisions to 20.2.73 NMAC*

*Proposed Revisions to 20.2.81 NMAC*

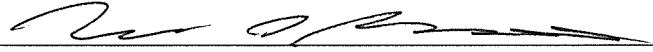
- Notice of Revisions to Proposed State Implementation Plan, Filed April 1, 2011.

## **7. Reservation of Rights**

This Notice of Intent to Present Technical Testimony is based on the Division's petition. The Division reserves the right to call any person to testify and to present any exhibit in response to another notice of intent or public comment filed in this matter or to any testimony or exhibit offered at the public hearing. The Division also reserves the right to call any person as a rebuttal witness and to present any exhibit in support thereof.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT  
OFFICE OF GENERAL COUNSEL



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Certificate of Service

I certify that a copy of the foregoing pleading was sent by mail on May 2, 2011 to the following:

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